

Brazil

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Freedom of the Press

Brazil has a vibrant democracy with strong constitutional guarantees of freedom of expression. However, violence and impunity persist along with judicial censorship as the principal threats to these guarantees. Three journalists were killed as a direct result of their work in 2013, and a series of protests related to increased bus fares and World Cup construction contributed to high levels of aggression against reporters. Meanwhile, courts continued to issue censorship orders, fines, and jail sentences to critical journalists and bloggers.

Various forms of libel and defamation remain criminalized in Brazil, although most of the numerous lawsuits that arise each year are filed under civil statutes. Judicial censorship—in which courts bar media outlets from publishing information about prominent politicians and businesspeople, demand the removal of published material, or order journalists to pay hefty fines for disseminating information—remained common in 2013. Journalist and blogger Lúcio Flávio Pinto, who has been sued 33 times for his work, has become emblematic of the problem of judicial censorship in Brazil. In January, courts in the state of Pará published a decision ordering Pinto to pay roughly \$200,000 to Romulo Maiorana Júnior, one of the owners of the main media company in the state, who claimed he suffered moral and material damages because of an article Pinto wrote in 2005. In May, a court upheld a 2009 order censoring the daily newspaper *O Estado de São Paulo*, which remains prohibited from publishing news related to a police operation and business dealings involving relatives of former president José Sarney. In September, a court prohibited a television station and two newspapers in the northeastern state of Pernambuco from showing photographs of or mentioning Guilherme Uchoa, the president of the state's legislature. Uchoa claimed he had been misrepresented in articles about a high-profile child custody case involving his daughter.

The blogosphere has been hit particularly hard by judicial censorship. The Google Transparency report covering January through June 2013 showed that Brazil was second only to the United States on the list of countries with the most government requests to remove online content. In May, a state court ordered blogger Luiz Carlos Bordoni to pay \$95,000 in damages to the governor of Goiás, Marconi Perillo. He also had to remove all interviews with or statements about Perillo from his blog, or face a \$250 daily fine and the suspension of his website. In another case in July, José Cristian Góes, a reporter from the state of Sergipe, was sentenced to seven months and one week in jail for posting a fictional story on his blog about political cronyism. However, the jail time was commuted and Góes was instead ordered to serve one hour of community service per day for the duration of the sentence.

In the first 18 months after Brazil's new freedom of information law went into effect in May 2012, media outlets filed more than 6,000 public information requests, according to an October report from Brazil's inspector general. Of those requests, 88 percent were approved, 9 percent were denied, and 3 percent were rejected because they were duplicates, the information sought did not exist, or other such reasons. The average response time was 12 days. The law guarantees public access to documents from the executive, legislative, and judicial branches of government at the federal, state, and municipal levels. It also provides for access to information about private entities that receive public funding. Furthermore, the law stipulates that information about human rights violations is not exempt from disclosure.

Although President Dilma Rousseff publicly committed her government to net neutrality at the UN General Assembly in September, by year's end Congress had not passed an Internet Bill of Rights, known as the

“Marco Civil.” The bill in theory is aimed at protecting freedom of expression, but changes to the draft have added language affecting net neutrality, data protection, and liability of service providers that has been criticized by freedom of expression advocates.

Three Brazilian journalists were killed in direct retaliation for their work in 2013, according to the Committee to Protect Journalists (CPJ): Mafaldo Bezerra Goes, Rodrigo Neto, and Walgney Assis Carvalho. Goes, a journalist with FM Rio Jaguaribe who often reported on local criminal and drug-trafficking groups and had received previous death threats, was shot to death in February. Police said they believed his murder had been ordered by an imprisoned drug dealer. Neto, a journalist for the newspaper *Vale do Aço* and host of the show *Plantão Policial* (Police Shift) on Rádio Vanguarda, was killed in March by unidentified gunmen. Neto was known for reporting on police corruption and had received death threats. Carvalho, a freelance photographer who contributed to *Vale do Aço*, was shot and killed in April after allegedly saying he knew who had killed Neto. The journalist who had been filling in for Neto at the newspaper subsequently left his job, according to the Brazilian Association for Investigative Journalism. As of the end of November, 16 people, including members of the civil police, were being held in connection with the killings.

The deaths of three other journalists in 2013 were being investigated as possibly linked to their professional activities. In January, radio director Renato Machado Gonçalves was shot and killed in front of his home, which also housed his station, Rádio Barra FM, in Rio de Janeiro state. In June, José Roberto Ornelas de Lemos, editor of the regional paper *Jornal Hora H*, was shot 44 times in Nova Iguaçu, the second-largest city in Rio de Janeiro state. Ornelas de Lemos was the son of the owner of the paper, which frequently reports critically on organized crime, politicians, and corruption. Radio station manager Cláudio Moleiro de Souza was shot and killed in October by gunmen who stormed the station in Rondônia state.

In addition to the killings, journalists in 2013 were subject to threats and physical violence. Many were caught up in a wave of protest activity across the country. A December report from the Brazilian Association for Investigative Journalism documented 114 incidents of aggression against journalists during the protests, which began in June and continued through October. The group found that at least 70 of the attacks were intentional, meaning the aggression occurred after the victims had identified themselves as journalists. Law enforcement personnel were blamed for about 80 percent of the attacks, and the rest were attributed to protesters who objected to the media’s coverage.

Impunity remains a problem; Brazil was ranked 10th on CPJ’s Impunity Index, released in May 2013. However, in August the gunman in the 2010 killing of radio journalist and blogger Francisco Gomes de Medeiros was sentenced to 27 years in prison. In October, the mastermind behind the 2002 murder of Domingos Sávio Brandão Lima Júnior, the owner, publisher, and columnist of the daily *Folha do Estado*, was convicted. In January, the family of journalist Vladimir Herzog, who was killed in 1975 during the military dictatorship, announced that the Inter-American Commission on Human Rights had agreed to investigate the circumstances surrounding his death. Also in January, the National Federation of Journalists created the Memory, Truth, and Justice Commission to investigate violence and other crimes against journalists committed during the dictatorship between 1964 and 1985.

Brazil is South America’s largest media market, with thousands of radio stations, hundreds of television channels, and a variety of major newspapers. In addition, nearly 52 percent of the population had access to the internet in 2013. Ownership of mass media continues to be highly concentrated among a few major companies. The Globo Organizations conglomerate enjoys a dominant position, controlling Brazil’s principal television, cable, and satellite networks as well as several radio stations and print outlets. Another company, Editora Abril, leads Brazil’s magazine market. Hundreds of politicians nationwide are either directors or partners in roughly 300 media companies, most of them radio and television stations, according to the independent media-monitoring group Media Owners (Donos da Mídia). A Reporters

Without Borders report released in January found that large amounts of government advertising have led to interdependency between the media and the state, which has hurt media diversity.

Media diversity is also hampered by the difficulty of obtaining community radio licenses. It can take up to 10 years in some cases to get a license, and only those stations transmitting at less than 25 watts qualify as “community” stations, meaning those transmitting at 25 to 100 watts are often forced to operate illegally.

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

45

Legal Environment

(0 = best, 30 = worst)

13

Political Environment

(0 = best, 40 = worst)

21

Economic Environment

(0 = best, 30 = worst)

11